

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452



MAY 20 2016

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

NEAL H. MERRIFIELD
Administrator for
Metal and Nonmetal Mine Safety and Health

THOMAS W. CHARBONEAU
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

FROM:

ALFRED L. CLAYBORNE
Deputy Director, Office of Accountability, Special
Enforcement and Investigations

SUBJECT:

MSHA Office of Accountability Review, Metal and Nonmetal
Western District, Boise, ID Field Office/Coeur d'Alene, ID Field
Duty Station, and

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. The purpose of accountability reviews is to determine whether Agency enforcement policies, procedures, and guidance are being followed consistently and whether mission critical enforcement activities are accomplished effectively. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; and MSHA supervisory and managerial oversight. The accountability review also included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Overview

Office of Accountability Specialists Jerry Kissell and Mark Odum conducted an accountability review of the Metal and Nonmetal Western District, Boise, ID Field Office and the Coeur d'Alene, ID Field Duty Station from [REDACTED]. The review focused on inspection activities during FY 2014 (October 2013 through September 2014) and the first three quarters of FY 2015 (October 2014 through June 2015), and specifically involved the review of a regular health and safety inspection (E01 event number [REDACTED]) conducted by the field office of the [REDACTED].

The [REDACTED] was selected for review by request of the Office of the Assistant Secretary and because of the following statistics:

- an S&S issuance rate of 38 percent during the first three quarters of FY 2015 where the mine received [REDACTED] - 104(a) citations ([REDACTED] during one E01 inspection); [REDACTED] 104(b) actions; and [REDACTED] 104(d) action; compared to FY 2014 when the [REDACTED] had an S&S rate of 34 percent and received [REDACTED] - 104(a) citations, [REDACTED] - 104(b) orders, and [REDACTED] - 104(d) action
- an elevated enforcement rate of 4.3 percent for the first three quarters of FY 2015 decreased compared to 10.8 percent for FY 2014. The rate consists of elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act issued per 100 inspection hours during the most recent 12 months
- a Violations per Inspection Hour (VPIH) rate of 0.23 for the first three quarters of FY 2015 increased compared to a 0.12 rate for FY 2014 (full year)

As a part of the review, enforcement levels of the field office (Coeur d'Alene, ID field duty station is a part of the Boise, ID field office) were compared with the district and national averages where the field office had the following issuance rates related to the Metal and Nonmetal (MNM) sector for FY 2014:

- an S&S rate of 25 percent compared to the district's rate of 26 percent and the national rate of 26 percent
- an elevated enforcement rate of 3.7 percent compared to the district's rate of 11.6 percent and the national rate of 11.6 percent
- a VPIH rate of 0.21 compared to the district's rate of 0.26 and the national rate of 0.23

For the first three quarters of FY 2015, the enforcement levels for the field office were:

- an S&S rate of 25 percent compared to the district's rate of 22 percent and the national rate of 26 percent
- an elevated enforcement rate of 3.2 percent compared to the district's rate of 8.6 percent and the national rate of 9.9 percent. The rate consists of elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act issued per 100 inspection hours during the most recent 12 months
- a VPIH rate of 0.25 compared to the district's rate of 0.25 and the national rate of 0.23

During the E01 inspection reviewed, event number [REDACTED], inspectors issued [REDACTED] citations and [REDACTED] orders. This review included evaluations of the citations and orders, elevated enforcement actions, and any modified or vacated actions.

The Review Team conducted a mine visit to focus on general mine conditions; determine whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe company work practices at the mine site.

Mine Visit [REDACTED]

As a part of this review, the Review Team accompanied the Field Office Supervisor, Assistant District Manager and two mine inspectors to the [REDACTED]

The [REDACTED] is located in [REDACTED], Idaho near the city of [REDACTED], Idaho. The current mine operator, [REDACTED] took control of the [REDACTED] in [REDACTED]. Prior to that, the mine was in operation under various mine companies dating back to [REDACTED]. The [REDACTED] utilizes two mine shafts to gain access to multiple horizontal working levels ranging from [REDACTED]. A third mine shaft is used as a means of ventilation and secondary escape if needed.

At the time of this review, the mine employed approximately [REDACTED] persons working two production shifts per day, ten hours per shift, Monday through Thursday. Friday, through Sunday the mine does shaft maintenance work. The mine produces approximately [REDACTED] per day. The operator mines [REDACTED] by cut and fill stope mining techniques, with drilling, blasting, excavating, and use of rail haulage and [REDACTED] passes to transfer the mined materials to an underground crusher. The [REDACTED] is then hoisted out of the mine through the mine shafts and enters a flotation milling facility where [REDACTED] are recovered as a concentrate and sold into interstate commerce.

The inspection party, consisting of two groups, inspected various mining operations and conditions in the underground portions of the mine. The observations included inspections of the 2400' level, the secondary escape travelway on the 3000' level down the 32-077 raise to the 3200' level, the 3200' oil storage area, the secondary escape travelway on the 3400' level down the 37-093 raise to the 3700' level, and 4000' level [REDACTED] station and 3 shaft station. Areas observed throughout the inspection included shaft stations, an underground shop, a lay down area, an underground electrical station, pump stations, sumps, ventilation devices, an underground explosives powder and primer storage facility, a Load Haul Dump (LHD) diesel loader, portions of secondary escape travelways, and the [REDACTED] underground hoist room.

Work procedures and mining cycles observed included loading, haulage, dumping, and crushing. The inspection groups conducted safety talks with miners, as encountered, throughout the inspection. The review team also observed communications between the mine operator and MSHA personnel during the inspection and observed discussions with miners and company officials regarding work practices and enforcement actions.

Review Results

The review did not reveal any material deficiencies or weaknesses in procedural operations that would require corrective actions, but the team identified three areas where the district could implement improvements in order to strengthen enforcement processes.

Positive Findings:

The accountability review revealed positive findings in several areas, including the following:

1. General field notes for the event reviewed were organized, clear and concise, and included pictures of violations.
2. Inspectors documented observations of work practices for the event reviewed.
3. Inspectors conducted safety talks with miners during the event reviewed.
4. During the mine visit inspectors had good rapport with miners and held safety discussions specific to tasks and hazards in the areas where miners were encountered.
5. Inspectors held discussions with mine management and labor officials on evaluations, violations and termination expectations

The Review Team identified some non-material deficiencies and discussed these with the district. Specifically the Review Team:

- discussed enforcement actions in which an inspector appeared to have set blanket termination times for violations,
- an inspector issued a citation for lack of warning signs on a barricade which is not required by the standard and,

- a discussion concerning a citation that was properly vacated, the vacated citation was issued in an area where an existing 104b order was already in place. (The 104b order allows the company to correct conditions in the affected area while not allowing any other activities until the cited conditions are corrected.)

These non-material deficiencies do not require a corrective action plan.

Inspections and Enforcement Actions Review:

The [REDACTED] is inspected by personnel from both the Coeur d'Alene, ID duty station and the Boise, ID field office. The Boise, ID field office supervisor is responsible for the activities of the Coeur d'Alene duty station. Inspection reports are usually completed by the inspectors at the end of the inspection and then submitted to the supervisor for review. In some instances though, because of travel requirements of the inspectors to conduct their work, the inspectors may not have the opportunity to submit the inspection report for review for several weeks. When this occurs, the supervisor may not have an opportunity to review the inspection work product before the end of the inspection. However, inspectors may update supervisors on inspection and enforcement activity as necessary during extended inspections. Because the inspectors at the Coeur d'Alene location must send their inspection reports to the Boise, ID office for review, the transit time can add days before they arrive. If mailed on a Friday, they typically arrive at the Boise field office the following Monday or Tuesday. Once the report is received by the Boise field office supervisor, he reviews all forms, notes, citations and photos of violations and terminations with every inspection report. The Review Team found that the supervisor typically conducts the review in a timely manner. The inspection for the event reviewed was opened on [REDACTED] and was closed on [REDACTED] a period of over four weeks. The field office supervisor dated and initialed the cover of the report on [REDACTED].

The Team reviewed all notes, citations and orders issued for the inspection, event number [REDACTED] that had been conducted [REDACTED]. The district made several changes to citations as a result of their review/conference of actions not previously assessed.

In total, [REDACTED] citations and [REDACTED] orders were issued. [REDACTED] citations were vacated (11%, for MNM in the first three quarters of FY 2015 the national average is 1.3% and the Western district average 1.9% for vacated paper.) [REDACTED] citations were modified by the inspectors, and [REDACTED] citations were modified by the district for this event.

The reasons for the vacated citations:

[REDACTED] citations issued for what were initially believed to be unsafe conditions or practices that were determined not to be violations of mandatory standards. These violations fell under manufacturer recommendations which MSHA does not enforce. A [REDACTED] citation was vacated after it was determined to be a duplication of a citation previously issued. (# [REDACTED] the same condition and practice appeared to be cited in the previously issued citation # [REDACTED]. The previously issued citation was modified to include some

comments from the vacated citation. A [REDACTED] citation was vacated due to being issued in an area covered by a previously issued order that was still in effect. And the [REDACTED] citation was vacated due to mitigation not provided to the inspector, wherein the equipment cited was no longer being used.

[REDACTED] citation was vacated due to the operator providing mitigating information at the conference that was not provided to the inspector at the time of issuance. This involved a barricaded heading that the operator intended to access and to which it maintained ventilation.

[REDACTED] citation issued for ground and continuity checks not being completed and recorded was vacated when the operator provided information at the conference showing they were completed. This information was not provided to the inspector during the inspection. The [REDACTED] citation was vacated because the standard used did not apply to underground and even after it had been modified to the underground standard, it still was not applicable to the practice observed.

Reasons for the [REDACTED] modifications:

[REDACTED] citations were modified at conference. [REDACTED] citation was modified due to the inspection notes documenting the violation indicated a less severe injury than had been evaluated on the citation (Lost Work days/Restricted Duty vs. Fatal). A [REDACTED] citation was modified as part of the vacated citations # [REDACTED] (Modified to capture part of the condition and practice of citation # [REDACTED] which was vacated.) The [REDACTED] citation modification was due to the conference officer's discussion and mitigation provided at the conference by the operator to change a likely occurrence to unlikely for the condition cited.

[REDACTED] citation modified at conference was due to the information about a second ladder that was present in the area where a defective ladder with poor or no footing pads was unsecured, but appeared to be available and in use.

As a result of the district's review of the issuances during event number [REDACTED] the district modified [REDACTED] citations and vacated [REDACTED] actions. Of those changed, [REDACTED] citations were modified from S&S to non S&S. Of the [REDACTED] vacated citations, [REDACTED] were originally evaluated as S&S. The team reviewed the justifications provided for the modifications and vacated actions and agreed with the district's determinations.

Some citations modified or vacated were due to inspector's error on the issuance, justifications and evaluations for gravity in the field notes. In these cases, additional training in documenting justifications for findings would be helpful in reducing the likelihood of future need for citations to be modified and/or vacated.

Summary:

Attachments

A. Office of Accountability Checklist

B. Citations/Orders issued during this review

[REDACTED]	57.3360
[REDACTED]	57.20032
[REDACTED]	57.3360
[REDACTED]	57.11001
[REDACTED]	57.20003a
[REDACTED]	57.20011
[REDACTED]	57.3200
[REDACTED]	57.11005
[REDACTED]	57.11006
[REDACTED]	57.11005
[REDACTED]	57.11005
[REDACTED]	57.4262
[REDACTED]	57.11051a
[REDACTED]	57.11002
[REDACTED]	57.4104a
[REDACTED]	57.11005
[REDACTED]	57.11001
[REDACTED]	57.18002a

C. Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this review)

D. District Corrective Action Plan
(No issues were identified during this review)

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Office of Accountability

District Field Office Mine ID Date

Attachment A – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policy and procedures were properly followed.
Adequate Corrective Action Needed Comments Below

2. Determine if documentation for inspections is complete and thorough.
Adequate Corrective Action Needed Comments Below

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
Adequate Corrective Action Needed Comments Below

During the E01 inspection reviewed, event number ██████████ inspectors issued █████ citations and █████ orders. This review included evaluations of the citations and orders, elevated enforcement actions, and any modified or vacated actions.

As a result of the district's review of the issuances, the district modified █████ citations and vacated █████ actions. Of those changed, █████ citations were modified from S&S to non S&S. Of the █████ vacated citations █████ had been originally evaluated as S&S by the issuing inspectors. The team reviewed the justifications for the modifications or vacated actions and agreed with the district's actions.

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
Adequate Corrective Action Needed Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.
Adequate Corrective Action Needed Comments Below

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6. Evaluate the inspector(s) on-site contaminant assessment and documentation.

Adequate Corrective Action Needed Comments Below

7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate Corrective Action Needed Comments Below

8. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate Corrective Action Needed Comments Below

9. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review.

10. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate Corrective Action Needed Comments Below

No 103(i) mines are in the field office jurisdiction.

11. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate Corrective Action Needed Comments Below

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12. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

13. Are required Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(One E-01/Inspector/every six months/FY -minimum)

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review.

14. Are Field Accompanied Reviews (FARs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(one/inspector/year - minimum)

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review.

15. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate Corrective Action Needed Comments Below

16. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.

Adequate Corrective Action Needed Comments Below

17. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

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18. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

19. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review.

20. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate Corrective Action Needed Comments Below

21. Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.

Adequate Corrective Action Needed Comments Below

22. Determine if districts, when required, are conducting in-depth peer reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

23. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

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24. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Corrective Action Needed Comments Below

25. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

26. Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

Adequate Corrective Action Needed Comments Below

27. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

28. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

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District Field Office Mine ID Date

Attachment B - Citations issued during the Review

Mine Citation/Order U.S. Department of Labor
 Mine Safety and Health Administration

Section I - Violation Data

1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>		5. Operator <input type="text" value=""/>
6. Mine <input type="text" value=""/>		7. Mine ID <input type="text" value=""/> (Contractor) <input type="checkbox"/>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Ground support is not properly maintained above the Dam in the 2400 Pump Station. The area has several mats that are rusted in half and are approximately 7 feet above the walkway to a lower height of approximately 3 feet. Persons occasionally work in this area to check water level sensors. This condition exposes persons to serious injuries should loose material fall from the back.

Standard 57.3360 was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.3360
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Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III - Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV - Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number 21. Primary or Mill P

22. AR Name 23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr [redacted]	2. Time (24 Hr. Clock) [redacted]	3. Citation/ Order Number [redacted]
4. Served To [redacted]		5. Operator [redacted]
6. Mine [redacted]	7. Mine ID [redacted] (Contractor)	

8. Condition or Practice 8a. Written Notice (103g)

The pager phone located at the 2400 Dam near the [redacted] Shaft station does not function properly. The phone does not page out. Miners work at the dam area occasionally. Should a miner receive a serious injury while working on the dam, they would not be able to call out for help. This condition exposes persons to fatal injuries from severe lacerations.

Standard 57.20032 was cited [redacted].

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.20032
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr [redacted] B. Time (24 Hr. Clock) [redacted]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number [redacted] 21. Primary or Mill p

22. AR Name [redacted] 23. AR Number [redacted]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
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District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
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Section I—Violation Data

1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The drift located between the 2400 dam and the Shaft has several areas with loose material overhead. The area does not have ground support in place. The area is approximately 150 feet in length with a back height of approximately 7 feet. This area is normally used as a secondary escapeway. Persons traveling through this area are exposed to serious injuries from falling material.

Standard 57.3360 was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	57.3360
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text" value=""/>	21. Primary or Mill P	23. AR Number <input type="text" value=""/>
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MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/>	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The catwalk to the pump located at the Sump near the 2400 Shop dislodged from its mounts and fell into the sump when an inspector was walking on it. The catwalk was not properly attached to the mounts allowing it to shift and fall into the sump. Persons use the walkway to check the pump occasionally. This condition exposes persons to fall injuries.

Standard 57.11001 was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	57.11001
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation B. Order C. Safeguard D. Written Notice

E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr

B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate

18. Terminated

A. Date Mo Da Yr

B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01

20. Event Number

21. Primary or Mill P

22. AR Name

23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>	5. Operator <input type="text" value=""/>	
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

The laydown area on the 2400 level is not properly maintained for miners to access supplies. The area has a ladder laying in the walkway along with miscellaneous parts. Persons occasionally access the area for supplies. This condition exposes miners to slip, trip, and fall injuries.

Standard 57.20003a was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.20003a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) 20. Event Number 21. Primary or Mill 23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A sump located in the 24-109 Crosscut drift does not have a sign warning persons of the water hazard. The water is approximately 3 to 4 feet in depth and is located next to the main drift. Persons occasionally travel in the area to check pumps and fire extinguishers. This condition exposes persons to possible drowning injuries.

Standard 57.20011 was cited [REDACTED].

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.20011
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr [REDACTED]

B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated

A. Date Mo Da Yr [REDACTED]

B. Time (24 Hr. Clock) [REDACTED]

Section IV—Automated System Data

19. Type of Inspection (activity code) E01

20. Event Number [REDACTED]

21. Primary or Mill P

22. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

80 feet inby of the 3000 station there was loose in the back in multiple places. The loose was scaled down with minimal effort and there were 6 miners working inby of this location. The miners had traveled this main haulage approximately 15 minutes prior to this inspection. This level is accessed every shift for production. In the event of an unplanned fall of ground serious injury would reasonably be expected to occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.3200
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 006

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104g 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate The loose was scaled down eliminating the hazard.

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) [REDACTED]

Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P	22. AR Name [REDACTED]	23. AR Number [REDACTED]
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MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Section I—Violation Data

1. Date Mo Da Yr [Redacted]	2. Time (24 Hr. Clock) [Redacted]	3. Citation/ Order Number [Redacted]
4. Served To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted]	(Contractor) <input type="checkbox"/>

8. Condition or Practice

8a. Written Notice (103g)

In the secondary escapeway from the 3000 to the 3200 the was a ladder rung that had a measured 2 1/2 inches of toe clearance the rung was located 2 sets below the second gate. This escapeway is accessed as needed during a mine emergency. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3e)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11005
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [Redacted]	21. Primary or Mill P
22. AR Name [Redacted]		23. AR Number [Redacted]

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20419. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

8. Condition or Practice

8a. Written Notice (103g)

On the secondary escapeway at the top of the offset for the 3000 to 3200 there was a ladder that did not extend 36 inches above the landing. This ladder is accessed as needed during a mine emergency. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11006
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number	F. Dated Mo Da Yr
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15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or MBI P	23. AR Number [REDACTED]
22. AR Name [REDACTED]			

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Section I—Violation Data

1. Date Mo Da Yr [redacted]	2. Time (24 Hr. Clock) [redacted]	3. Citation/ Order Number [redacted]
4. Served To [redacted]	5. Operator [redacted]	
6. Mine [redacted]	7. Mine ID [redacted] (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

On the 3000 to 3200 secondary escapeway there was ladder rung with a measured 2 1/2 inches of toe clearance. The rung was located 9 rungs below the first gate. This ladder is accessed as needed during a mine emergency. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11005
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr [redacted] B. Time (24 Hr. Clock) [redacted]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr [redacted] B. Time (24 Hr. Clock) [redacted]

Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [redacted]	21. Primary or Mill P
22. AR Name [redacted]		23. AR Number [redacted]

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the

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1. Date Mo Da Yr <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>		5. Operator <input type="text" value=""/>
6. Mine <input type="text" value=""/>		7. Mine ID <input type="text" value=""/> (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On the 3000 to 3200 secondary escapeway there was a rung that had a measured 2 1/2 inches of toe clearance. The rung is located 5 rungs up from the second landing. This ladder is accessed as needed during a mine emergency. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11005
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Section II--Inspector's Evaluation

10. Gravity:
 A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred
 B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal
 C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text" value=""/>	21. Primary or MBI P
22. AR Name <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Section I—Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

At the 3200 oil storage area there was no fire extinguisher at the time of this inspection. This oil storage is accessed as needed for oil. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.4262
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action

17. Action to Terminate The fire extinguisher was replaced eliminating the hazard.

18. Terminated	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or MBI P	22. AR Name [REDACTED]	23. AR Number [REDACTED]
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Section I - Violation Data

1. Date Mo Da Yr [Redacted]	2. Time (24 Hr. Clock) [Redacted]	3. Citation/ Order Number [Redacted]
4. Served To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted] (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

The mine operator failed to maintain the secondary escapeway from the 3200 to 3400 in a safe and travelable condition. The ground support in the drift disintegrated at first contact. This escapeway was last inspected by management on [Redacted]. [Redacted] engaged in aggravated conduct constituting more than ordinary negligence in that he was the last member of management to inspect this escapeway and he allowed miners to work the upper levels of the mine without a safe secondary escapeway. This violation is an unwarrantable failure to comply with a mandatory health and safety standard. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11051a
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Section II - Inspector's Evaluation

10. Gravity:	A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> D. Number of Persons Affected: 009
11. Negligence (check one)	A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>
12. Type of Action 104d1	13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number F. Dated Mo Da Yr
15. Area or Equipment	

16. Termination Due	A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]
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Section III - Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]

Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [Redacted]	21. Primary or Mill P
22. AR Name [Redacted]		23. AR Number [Redacted]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20410. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Western Field Office Coeur d'Alene, ID Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order Continuation

**U.S. Department of Labor
 Mine Safety and Health Administration**



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo [REDACTED] Da [REDACTED] Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]	
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)	

Section II—Justification for Action

The mine operator has put up a barrier and sign at the top and the bottom of the 3200 to 3400 secondary escapeway. This citation is extended to allow the mine operator time to rehab the secondary escapeway access.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo [REDACTED] Da [REDACTED] Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number [REDACTED]		
11. AR Name [REDACTED]	AR Number [REDACTED]	12. Date Mo [REDACTED] Da [REDACTED] Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date Mo Da Yr [Redacted]	2. Time (24 Hr. Clock) [Redacted]	3. Citation/ Order Number [Redacted]
4. Served To [Redacted]		5. Operator [Redacted]
6. Mine [Redacted]		7. Mine ID [Redacted] (Contractor)

8. Condition or Practice 8a. Written Notice (103g)

On the 3400 level at the old 54 borehole the top and mid chains were not in place. There is an open hole with a drop of approximately 15 feet directly adjacent to the walkway crossing the dump. This walkway is accessed as needed by foot traffic to pass over the dump. In the event of an accident involving a fall fatal injury would reasonably be expected to occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11002
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]
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Section III--Termination Action

17. Action to Terminate The top and mid chains were put back in place and secured eliminating the hazard.

18. Terminated	A. Date Mo Da Yr [Redacted]	B. Time (24 Hr. Clock) [Redacted]
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [Redacted]	21. Primary or Mill P
22. AR Name [Redacted]		23. AR Number [Redacted]

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
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District Western Field Office Coeur d'Alene, ID Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

8. Condition or Practice

8a. Written Notice (103g)

At the bottom of the 3400 escapeway there was an accumulation of combustibile waste. This waste had been being placed in this location for well over 30 days. The waste is located in the access drift to the powder magazine. This drift is accessed as needed for explosives. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.4104a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number [REDACTED] 21. Primary or Mill P

22. AR Name [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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 Mine Safety and Health Administration
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District Western Field Office Coeur d'Alene, ID Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

8. Condition or Practice 8a. Written Notice (103g)

In the secondary escapeway there was a ladder rung with a measured 2 1/2 inches of toe clearance. This secondary escapeway is accessed as needed during a mine emergency. In the event of an accident serious injury could occur.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11005
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P	
22. AR Name [REDACTED]		23. AR Number [REDACTED]	

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District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date Mo Da Yr [Redacted]	2. Time (24 Hr. Clock) [Redacted]	3. Citation/ Order Number [Redacted]
4. Reported To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted] (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

On the 3700 level at the 071 raise there was unsafe access to the secondary escapeway. The drift has several areas that had muck built up creating a tripping hazard and inhibiting travel. This drift is well traveled as evidenced by the well worn path in the drift. This drift is accessed every month by management for escapeway inspections. The drift would be accessed by the miners in the mine in the event of a mine emergency. There are a rail car and a muck car that inhibit travel in the drift. In the event of an accident with miners accessing the drift during a mine emergency serious injury would reasonably be expected to occur. Management engaged in conduct constituting more than ordinary negligence in that management is responsible for and the only employees that inspect the secondary escapeways. Management allowed miners to work on the upper levels of the

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.11001
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 011

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104d1 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number [Redacted] F. Dated Mo Da Yr [Redacted]

15. Area or Equipment 3700 Level, 071 Raise.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [Redacted]	21. Primary or MII P
22. AR Name [Redacted]		23. AR Number [Redacted]

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Mine Citation/Order
Continuation

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input type="checkbox"/> 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)

Section II—Justification for Action

Continuation of 8. Condition or Practice

mine with full knowledge that the secondary escapeway was unsafe to travel. This violation is an unwarrantable failure to comply with a mandatory safety and health standard. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number [REDACTED]		
11. AR Name	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

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District Western Field Office Coeur d'Alene, ID Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

In the secondary escapeways of the [REDACTED] mine there was an inadequate Work Place Exam completed for well over 30 days. There were [REDACTED] violative conditions that were cited during this inspection. The inspections on this area of the mine are conducted by members of management only. Management engaged in conduct constituting more than ordinary negligence in that the mine operator was well aware that the hazardous conditions existed and the mine operator allowed management employees to conduct inspections. This violation is an unwarrantable failure to comply with a mandatory safety and health standard. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.18002a
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Section II—Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 011
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104d1		13. Type of issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action			
A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number [REDACTED]	F. Dated Mo Da Yr [REDACTED]
15. Area or Equipment 3700 071 Raise			

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
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Section III—Termination Action

17. Action to Terminate			
18. Terminated			
A. Date Mo Da Yr		B. Time (24 Hr. Clock)	

Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or MII P	
22. AR Name [REDACTED]		23. AR Number [REDACTED]	

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Attachment C - Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this review)

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Office of Accountability

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Attachment D - District Corrective Action Plan
(No issues were identified during this review)